

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Alfredo Lerma,

Petitioner,

v.

Ryan Thornell, et al.,

Respondents.

No. CV-24-01148-PHX-DLR

**ORDER**

Before the Court is Petitioner Alfredo Lerma's amended Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Doc. 7) and United States Magistrate Judge Eileen S. Willett's Report and Recommendation ("R&R") (Doc. 21). The R&R recommends that the Court deny and dismiss the amended petition with prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Neither party filed objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R in its entirety. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may

1 accept, reject, or modify, in whole or in part, the findings or recommendations made by the  
2 magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the  
3 recommended disposition; receive further evidence; or return the matter to the magistrate  
4 judge with instructions.”).

5 **IT IS ORDERED** that the R&R (Doc. 21) is **ACCEPTED**.

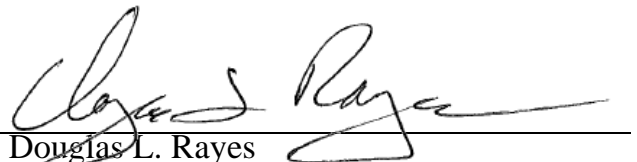
6 **IT IS FURTHER ORDERED** Petitioner’s amended petition (Doc. 7) is **DENIED**  
7 and **DISMISSED WITH PREJUDICE**.

8 **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed  
9 in forma pauperis on appeal are **DENIED** because dismissal of the Amended Petition is  
10 justified by a plain procedural bar and jurists of reason would not find the procedural ruling  
11 debatable.

12 **IT IS FURTHER ORDERED** directing the Clerk of the Court to enter judgment  
13 accordingly and terminate this case.

14 Dated this 18th day of April, 2025.

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Douglas L. Rayes  
Senior United States District Judge